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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/546,333	04/10/2000	Anthony Brown	04156.87541	2975

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EXAMINER

MCELHENY JR, DONALD E

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 08/08/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/546,333

Applicant(s)

BROWN, ANTHONY

Examiner

Donald E. McElheny, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3-27-02, 4-15-92, 6-24-02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8,9,10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. The drawings remain objected to for reasons set forth by the Office Draftsperson on form PTO-948 attached to paper no. 7.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-31, 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: The preamble of the claims calls for a single frequency weather station RF Telemetry alarm and display station. The body of the claims fails to set forth supporting structure for the functions of alarm and also single RF, and are also indefinite as to how such are intended to be covered structurally either by additional structure or with existing claim limitations. The claims are therefore incomplete and indefinite in how the desired results of the preamble are ever supported or carried out by claim elements in the body of the claim(s).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-22, 31, 33, 34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lill (4,839,645) in view of Krieger (3,582,921).

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In light of the lack of support in the bodies of the claims for the preamble alarm function, Lill is considered to teach and meet the claims by itself. Lill teaches the claims except for such alarm function, but nevertheless is was notoriously well known throughout the weather monitor art to respond to radio alerts from a remote location and also by detected local conditions that indicate a condition considered serious enough, or as dictated and programmed by the user, to generate an alarm to signal the user of the particular monitored weather having occurred or reached a threshold. Krieger is just one reference that teaches such alarm function support, and for similar purposes of weather within a specified interior environment which would also be considered as equivalent and obvious for outdoor weather use purposes as well, and thus it would have been obvious to one of ordinary skill in the art to combine such teachings for generating an alert on the Lill receiver unit.

Furthermore, the use of the NOAA weather radio signal for alert of serious weather conditions was well known in the art and thus its use for alarm generation would also have been in the domain of prior art. As the state of the numerous prior art of record and applicant's specification teaches the detection of temperature, wind, barometric pressure, rain, humidity, etc., were routinely measured weather parameters at the weather sensor station site that is transmitted to the remote user display station, and thus such use does not involve the concept of invention in the claimed combination. Likewise, the display of signal strength (i.e. claim 34) in receivers in general was notoriously well known throughout the radio arts and incorporation of such would thus not involve the concept of invention. Likewise, the presentation of two temperature

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readings of different times, either simultaneously or through other means of change, was well known by the users of such weather receivers for purposes of monitoring and indicating "temperature trend" (i.e. claim 31). Official Notice is so given of such concepts state of being prior art if not explicitly taught in the lengthy IDS listing.

6. Claims 23-30, 32, 35, 37 are objected to as being dependent upon rejected claims but considered to contain allowable subject matter drawn to the concept of prediction of weather within a portable transmitter and portable receiver system as claimed, as such are not seen in the prior art. They should be found allowable if any other rejection and objection issues are overcome.

7. Any questions regarding the Draftsman's receipt and approval of outstanding drawing correction requirements should be directed to telephone number (703) 305-8126.

Any inquiry touching on the merits of this application concerning this communication or earlier communications from the examiner should be directed to Donald McElheny Jr., whose telephone number is (703) 305-3894. Fax transmissions may be directed to (703) 308-7724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Edward Lefkowitz, can be reached at (703) 305-4816.


DONALD E. McELHENY, JR.
PRIMARY EXAMINER